

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK BRIEKER,	:	
	:	
	:	
Plaintiff	:	
v.	:	CIVIL ACTION NO. 16-0137
	:	
BARBEQUE INTEGRATED, INC.	:	
A FICTITIOUS NAME t/a	:	
SMOKEY BONES BAR & FIRE GRILL	:	
	:	
Defendant	:	
	:	

ORDER

AND NOW, this 8th day of August, 2017, upon consideration of Defendant's, Barbeque Integrated Inc., t/a Smokey Bones Bar Fire & Grill, Motion for Summary Judgment (Dkt. Nos. 34 and 35) filed June 30, 2017 and July 7, 2017, respectively;¹ upon consideration of Plaintiff's Response to Defendant's Motion for Summary Judgment (Dkt. No. 38) filed July 21, 2017; upon consideration of Defendant's, Barbeque Integrated Inc., t/a Smokey Bones Bar Fire & Grill, Brief in Reply to Plaintiff's Response to Defendant's Motion for Summary Judgment (Dkt. No. 44) filed August 2, 2017; after oral argument on the record held August 4, 2017; and for the reasons expressed in the foregoing Memorandum,

IT IS ORDERED that the motion for summary judgment (Dkt. Nos. 34 and 35) is **GRANTED**. The Civil Action Complaint is **DISMISSED**, and judgment is entered for Defendant, Barbeque Integrated Inc., t/a Smokey Bones Bar Fire & Grill, on Plaintiff's claims.

BY THE COURT:

/s/ Henry S. Perkin
HENRY S. PERKIN,
United States Magistrate Judge

¹ The motion for summary judgment pending before the Court was filed on June 30, 2017 (Dkt. No. 34). The initial filing, however, identified the wrong civil case action number. Counsel re-filed the same motion for summary judgment on July 7, 2017, with the correct civil case action number (Dkt. No. 35). Both motions, which are identical in content, remained pending.